

Industry: **Big Ox Energy Siouxland, LLC**
Address: **1616 D Avenue**
South Sioux City, NE 68776
IU Permit No.: **2018-31-I**

NOTICE OF VIOLATION
City of Sioux City, Iowa
Industrial Pretreatment Program
January 23, 2019

LEGAL AUTHORITY

The following findings are issued and notice provided pursuant to the authority vested in the City of Sioux City, Iowa Industrial Pretreatment Program, under Title 13 of the Sioux City Municipal Code "Sewers". This order is based on findings of violation of the conditions of the wastewater discharge permit issued under 13.07.270 of the City's Sewers and Sewer Disposal Ordinance.

FINDINGS

1. The City of Sioux City, Iowa is charged with the construction, maintenance, and control of the sewer system and treatment works.
2. To protect the sewer system and treatment works, the City of Sioux City, Iowa administers a pretreatment program.
3. Under this pretreatment program, **Big Ox Energy Siouxland** was issued a discharge permit.
4. On June 29, 2018, the City of Sioux City issued a Compliance Order to **Big Ox Energy Siouxland** which required pollutant loadings (**TSS**) to be less than **48,509 lbs./day** as a maximum daily limitation.
5. On November 25, 2018, Reissued Permit No. 2018-31-I went into effect. The permit incorporates the above daily maximum loading limit of **48,509 lbs. TSS** as well as a **monthly average not to exceed 20,000 lbs. TSS**.
6. In January, **Big Ox Energy Siouxland** discharged an exceedance of the maximum daily limitation of **48,509 lbs. TSS** per Permit No. 2018-31-I on the following dates. A fine of \$1,000 per day per violation is hereby issued.
 - January 12, 2019- 54,147 lbs. TSS
 - January 13, 2019- 55,343 lbs. TSS
 - January 15, 2019- 52,502 lbs. TSS
 - January 17, 2019- 55,418 lbs. TSS
 - January 20, 2019- 55,702 lbs. TSS
7. Effective November 25, 2018, Reissued Permit no. 2018-31-I required additional monthly reporting of TKN, TN, and Phosphorus. As this was the first month of new monitoring requirements, TKN testing was overlooked and not performed. This was communicated to the IPP Coordinator when the data was submitted 1-17-2019. It has been stated by BOE that all future monthly monitoring reports will be submitted on time with all appropriate data. In the future, monthly reports submitted late or missing required information will be subject to appropriate enforcement actions.
8. As outlined above, the total fine for the violations documented above amounts to \$5,000. This is in addition to any fines or charges previously issued. Fines will be assessed on the next sewer use surcharge invoice and are non-negotiable.


NOTICE AND REQUIRED ACTIONS

THEREFORE, BASED ON THE ABOVE FINDINGS, BIG OX ENERGY SIOUXLAND IS HEREBY NOTIFIED THAT:

It is an on-going violation of its discharge permit and the Title 13 of the Sioux City Municipal Code "Sewers" of Sioux City, Iowa and the following specific actions are required. Note that these items are contingent on the consent of the regulatory authorities for the Sioux City, Iowa POTW.

1. Within 10 Days of receiving this letter, **Big Ox Energy Siouxland** must respond in writing with the following information:
 - An explanation for the violation(s)
 - A plan to mitigate this type of violation(s) in the future
2. All requirements in previously-issued Orders are fully in-effect including fines and notification requirements.

Signatures



Craig Samek
Industrial Pretreatment Coordinator
City of Sioux City, Iowa



Mark Simms
Utilities Director
City of Sioux City, Iowa

January 23, 2019

Date of Issuance of NOV



Copy:

IDNR

NDEQ

City of South Sioux City

1-23-19